

REMARKS

Objection to the Abstract

The Abstract has also been amended herein to not exceed 150 words. In addition, the specification has been amended herein to correct a typographical error that referenced the wrong figure in the drawings.

Rejection of claims 1-4, 8, 10-14 and 17 under 35 U.S.C. §102(b) as being anticipated by Heinzelmann

The Examiner rejected claims 1-4, 8, 10-14 and 17 under 35 U.S.C. §102(b) as being anticipated by Heinzelmann. All of the independent claims in this group, namely claims 1, 8, 10, and 17 have been amended herein to recite a first output indication when the audio output is mostly voice and a second output indication when the audio output is *mostly music*. Heinzelmann teaches distinguishing between voice and data in communications systems. In Heinzelmann, the data is preceded by specific bits or a data operated squelch tone to identify a data transmission to the receiver. The claims as amended determine when an output from a tuner is mostly voice and when an output from a tuner is mostly music, and change the function of the radio receiver accordingly. Heinzelmann is incapable of distinguishing between voice and music. For one thing, music is generally not broadcast on a communication system in Heinzelmann. In addition, even if music were broadcast on the communication system in Heinzelmann, music does not constitute data as defined in Heinzelmann (that is preceded by some data identifier). As a result, if an audio output from the receiver in Heinzelmann is mostly voice, the audio output is not muted. If the audio output from the receiver in Heinzelmann is mostly music, the audio output is still not muted. In Heinzelmann, the audio output is only muted for data, which does not correspond to either mostly voice or mostly music in the claims. For this reason, the claims as amended clearly distinguish

over Heinzelmann. Applicants respectfully assert that claims 1, 8, 10 and 17 as amended are allowable over Heinzelmann.

Heinzelmann teaches the muting of a data signal, and the unmuting of a voice signal. Claims 3, 8, 12, and 17 all mute the amplified audio signal when the audio output is mostly voice. The whole goal of Heinzelmann is to prevent hearing data on the speaker, and to assure that voice transmissions are heard. For this reason, Heinzelmann expressly teaches away from muting an audio output that is mostly voice, as recited in claims 3, 8, 12 and 17.

Claim 11 has been canceled herein, and therefore need not be addressed. Claims 2-4 depend on claim 1, which is allowable for the reasons given above, and claims 12-14 depend on claim 10, which is allowable for the reasons given above. As a result, claims 2-4 and 12-14 are allowable as depending on allowable independent claims.

Rejection of claims 5 and 15 under 35 U.S.C. §103(a) as being unpatentable over Heinzelmann in view Vandegraff

The Examiner rejected claims 5 and 15 under 35 U.S.C. §103(a) as being unpatentable over Heinzelmann in view of U.S. Patent No. 4,498,194 to Vandegraff. Claim 5 depends on claim 1, which is allowable for the reasons given above. Claim 15 depends on claim 10, which is allowable for the reasons given above. As a result, claims 5 and 15 are allowable as depending on allowable independent claims.

Rejection of claim 7 under 35 U.S.C. §103(a) as being unpatentable over Heinzelmann in view of Kim

The Examiner rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Heinzelmann in view of Kim. Claim 7 depends on claim 1, which is allowable for the reasons given above. As a result, claim 7 is allowable as depending on an allowable independent claim.

Objection to claims 6 and 16

The Examiner objected to claims 6 and 16 because they depend upon rejected base claims, but stated these claims would be allowable if properly rewritten in independent form. Claim 6 depends on claim 5, which depends on claim 1, which is allowable for the reasons given above. Claim 16 depends on claim 10, which is allowable for the reasons given above. As a result, claims 6 and 16 are allowable as depending on allowable independent claims.

Allowance of claims 9 and 18

The Examiner allowed claims 9 and 18. Applicants thank the Examiner for the allowance of these claims.

Conclusion

In summary, none of the cited prior art, either alone or in combination, teach, support, or suggest the unique combination of features in applicants' claims presently on file. Therefore, applicants respectfully assert that all of applicants' claims are allowable. Such allowance at an early date is respectfully requested. The Examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

By 

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